

Examiner's Response to Amendment Filed on 4/06/2005

Examiner states that Applicant's Amendment filed on 4/6/05 is insufficient to overcome the Gerace, Angles, and Nason reference.

Claim Rejections – 35 USC § 103

5 Examiner rejects Claims 1-30 under 35 U.S.C. 103(a) as being unpatentable over Gerace (5,848,96) in view of Angles (5,933,811) in view of Nason (6,630,943) in view of Goldhaber (5,794,210).

Regarding Claims 1, 11, 19, 20, Examiner states the following:

Gerace discloses a method, medium, and system of providing a system for selective
10 communication of promotional information among a plurality of sponsors and a plurality of users over a computer network comprising the acts of:

a) enrolling a plurality of sponsors, the act of enrolling each sponsor comprising the act of assigning the sponsor with at least one group of customization parameters which are sufficient to uniquely define the look and feel of a value portal skin (col 2, line
15 60-col, lines 10; col 6, lines 22-40; col 20, lines 10-25; col 18, lines 26-30);

b) providing a sponsor server information in computer useable form to at least one of the plurality of sponsors (col 18, lines 26-35), wherein the sponsor server software executing on a sponsor server comprises functionality for communicating messages with a client software on a user's computer over the computer network according to a special
20 communication protocol (col 7, lines 47-56; col 7, lines 60-65; col 9, lines 39-45);

c) providing the client information to a plurality of users in machine useable form (col 13, lines 35-40; col 6, lines 22-35), each of said plurality of users having a user's computer capable of using the client software and having access to the computer network,

wherein each user's computer operates under an operating system having a graphical user interface (col 6, lines 12-22; col 3, lines 39-54; Fig. 1), and wherein the client software when executing on a user's computer comprises:

i) functionality for installing a value portal on the user's computer, the look and feel of the value portal capable of being defined by any of the unique group of customization parameters defining a value portal skin which have been assigned to each of the plurality categories (col 11, lines 24-56; col 6, lines 23-40);

ii) functionality for providing access to a plurality of additional utilitarian application programs through said value portal (col 1, lines 10-14; col 2, line 60-col 3, line 3; col 22, lines 10-25),

iii) a system database capable of storing a plurality of groups of customization parameters, said system database comprising at least one group of customization parameters therein corresponding to at least one sponsor of said plurality of sponsors (col 19, lines 18-31; col 20, lines 19-25; col 11, lines 24-56; col 6, lines 23-40)

iv) functionality for choosing which group of customization parameters from the plurality of groups of customization parameters in the system database will be used to define the look and feel of the value portal (col 12, lines 49-56; col 20, lines 10-19; col 11, lines 24-56; col 6, lines 23-40),

v) functionality for exchanging messages with at least one sponsor through communication with a sponsor server operated by the sponsor server software, according to the special communication protocol (col 7, lines 47-56; col 7, lines 60-65; col 9, lines 39-45),

vi) functionality for displaying messages on the value portal (col 7, lines 47-56; col 7,

lines 60-65; col 9, lines 39-45), and

vii) functionality for registering a user (col 4, lines 55-65) with a sponsor server (col 14, lines 30-36; col 22, lines 15-20; col 11, lines 24-56; col 6, lines 23-40) and executing the sponsor software (col 18, lines 1-10).

5 Examiner maintains that Gerace further discloses software on the client and software on the sponsor server (col 1, lines 47-50; col 18, lines 26-30).

Examiner holds that Gerace further discloses (1.) multiple sponsors (col 14, lines 30-36; col 22, lines 15-20; col 18, lines 25-30); (2.) multiple categories of content (col 6, lines 27-35), multiple content providers (col 1, lines 14-30); and (3.) that a content provider can be a sponsor
10 or a provider of content or a provider of advertising (col 2, lines 62-66).

Examiner concludes therefrom that Gerace implies that there are multiple content provider sponsors such that different categories of content can be supplied by different sponsors.

Examiner acknowledges that Gerace does not explicitly disclose that (1.) there are multiple content provider sponsors such that different categories of content can be supplied by
15 different sponsors; (2.) the software can be run locally or on the client; and (3.) the sponsor can run sponsor software on the server.

Examiner asserts, however, that Angles discloses that there are multiple content provider sponsors such that different categories of content can be supplied by different sponsors (Fig. 2).

Examiner notes that Angles further discloses that (1.) the software can be run locally or on the
20 client (col 3, lines 24-29; Fig. 11, item 12) and that client run software can be faster (col 12, lines 2-11); and (2.) the sponsor can run sponsor software on the server (col 12, lines 40-50).

Examiner concludes therefrom that (1.) it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Angles special software

located on the client or on the sponsor server to Gerace' s user with software or sponsor with software; and (2.) one would have been motivated to do this in order to allow greater flexibility and performance in various hardware and software configurations.

Examiner notes that Gerace further discloses that numerous aspects of presentation and
5 format of the user interface can be controlled and optimized (col 6, lines 13-21; col 5, lines 19-26).

Examiner acknowledges that Gerace does not explicitly disclose that the user interface can utilize a task bar. Examiner notes that Nason discloses the utilization of a customized portal (col 17, lines 5-13; col 17, lines 35-38; col 17, line 65-col 18, line 29) and the utilization of a
10 task bar (Fig. 15; col 4 lines 45-50).

Examiner maintains that (1.) it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Nason' s task bar to Gerace' s customizable interface; and (2.) or would have been motivated to do this in order to provide further customization with an interface format that many users are familiar with and find convenient.

15 Examiner additionally comments that Goldhaber further discloses the user selecting categories of content of interest and the user indicating categories to display content for (col 6, lines 21-41; col 11, lines 24-35; col 11, lines 45-56; col 7, lines 52-57).

Examiner states that Goldhaber discloses that the user can indicate that only marketing messages from certain categories of sponsors or advertisers will be received by the user, as per:
20 "The demographic profiles can be constructed through interest questionnaires that the consumer completes when subscribing to the service, and also through electronic tracking of his/her usage of the service (and other habits). Thus, Examiner views that (1.) the profiles of Goldhaber can be dynamic, evolving with the customer' s transaction history; (2.) a customer under Goldhaber can

choose to exclude any transaction (e.g., viewing of certain material or purchasing of certain products) from his profile; (3.) Goldhaber's profiles can also be interactive in that a customer may edit his profile at any time to add or delete interest features, and to delete any transaction records; and (4.) that customer as taught by Goldhaber can change her profile to also delete
5 selected profile entries (col 6, lines 45-61).

Referring to FIG. 11A of Goldhaber, Examiner holds that the consumer's software agent 110 of Goldhaber may also, if desired, initiate the above-described matching process whenever the consumer's interest profile 124 changes (FIG. 11A, block 190). In this example, system 100 will track the consumer's activities and elaborate the consumer's profile 124 automatically. In
10 addition, system 100 in this example permits the consumer to view and edit a plain-language representation of her profile 124 at any time, and add anything to it or delete anything from it. Thus, for example, if the consumer begins looking for a new car, she may edit her profile 124 to add an interest about certain types or categories of automobiles. Such a change in the consumer's profile 124 may cause software agent to re-index the consumer's profile 124 (FIG. 11A, block
15 192) and a new scan for matching ads (FIG. 11A, block 194)" (col 17, line 64-col 18, line 12).

Examiner maintains that according to Goldhaber that (1.) when the user indicates types or categories of automobiles of interest that the user is choosing which sponsors to receiving marketing messages from; (2.) the user chooses the sponsors to receive marketing messages from; and (3.) the user can choose a wide variety of criteria for preventing the reception of or
20 indicating an interest in receiving sponsor content. Examiner concludes therefrom that it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Goldhaber's user choosing which sponsors to receive marketing messages from to Gerace's user indicating categories of content of interest. One would have been motivated to do this in

order to provide the user with further customization as to the type of content the user is interested in.

Applicant responds that the Claims as currently amended are submitted herein teach that the user may modify the customization parameters offered to the user in relation to the presentation of messages and information received from a sponsor authorized by the user. This finer degree of control enables the user to choose beyond qualities of the value portal dictated by the sponsor and/or a particular combination of preset customization variables and to provide a capability of each user to individually design the look and feel of each value portal associated with each sponsor selected by the user. The information transmitted by each sponsor selected by the user may thus be presented with a look and feel customized by each user in a collaborative design process with the author(s) of each combination of preset customization variables to substantively enhance the user experience. Applicant respectfully asserts that this collaborative design process of the value portal provided by means of the Method the Present Invention is neither anticipated nor made obvious in light of the prior art, and that the Claims as currently amended are allowable. Attention is respectfully drawn to the independent Claims 1, 10, and 20 as currently amended. As each of the remaining Claims 2-10, 12-19, and 21-30 are dependent from one of the independent Claims 1, 11 and 20, Applicant respectfully submits that Claims 1 through 30 are allowable as presently amended and submitted herein.

Regarding Claims 2 and 21, Examiner states that Gerace, Angles, and Nason and Goldhaber disclose the method, system of claim 1 and 21. Examiner states that Gerace further discloses that the act of providing at least one authentication server operating with an authentication server software accessible to the computer network, said authentication server being capable of authenticating a communication between one of said plurality of user's

computers operating the client software and a sponsor server operating the sponsor server software communicating according to the special communication protocol (col 18, lines 35-40; col 13, lines 60-65; col 17, lines 17-25).

Applicant respectfully refers to the argument provided above regarding the currently amended independent Claims 1 and 20 and notes that Claim 2 is dependent from Claim 1 and that Claim 21 is dependent from Claim 20. Applicant respectfully submits that the Claims dependent from Claims 1 and 20 are allowable on the basis of the allowability of the independent Claims 1, 1 and 20 as currently amended.

Regarding Claims 3, 4, 12, 13, and 24, Examiner states that Gerace, Angles, and Nason and Goldhaber disclose the system, medium, system of claims 2, 11 and 23. Examiner states that (1.) Gerace further discloses that the plurality of additional utilitarian programs are accessible only when the client software program is operating (col 4, lines 55-60), and the functionality of the plurality of utilitarian programs is invariant to selection of which group of customization parameters defines the look and feel of a value portal or the value portal skin (col 1, lines 10-14; col 2, line 60-col 3, line 3; col 22, lines 10-25); and (2.) that Gerace further implies that regular use of the client software is encouraged (col 4, lines 25-30; col 4, lines 15-18). Examiner concludes therefrom that it would be obvious to Gerace to encourage the user to utilize the system and that Gerace would be motivated to do this in order to better profile a user because the more a user utilizes the system the better the user can be profiled.

Applicant respectfully refers to the argument provide above regarding the currently amended independent Claims 1, 11 and 20 and notes that Claims 3, and 4 are dependent from Claim 1, that Claims 12 and 13 are dependent from Claim 11, and that Claim 24 is dependent from Claim 20. Applicant respectfully submits that the Claims dependent from Claims 1, 11

and 20 are allowable on the basis of the allowability of the independent Claims 1, 11 and 20 as currently amended.

In reference to Claims 5 and 14, Examiner asserts that Gerace, Angles, and Nason and Goldhaber disclose the method, medium of claims 4 and 13. Examiner states that Gerace further
5 discloses that the client software further comprises functionality for periodically accessing at least one sponsor server to obtain messages according to the special communication protocol (col 7, lines 47-56; col 7, lines 60-65; col 9, lines 39-45).

Applicant respectfully refers to the argument provided above regarding the currently amended independent Claims 1 and 11 and notes that Claim 5 is dependent from Claim 1 and
10 that Claim 14 is dependent from Claim 11. Applicant respectfully submits that all Claims dependent from Claims 1 and 11 are allowable on the basis of the allowability of the independent Claims 1 and 11 as currently amended.

Referring to Claims 6, 15 and 25, Examiner maintains that Gerace, Angles, and Nason and Goldhaber disclose the method, medium, system of Claim 5, 14 and 24. Examiner states that
15 Gerace further discloses (1.) that the client software further comprises functionality for optionally updating the client software program and system database on a user's computer during a communication according to the special message protocol (col 13, lines 36-46; col 13, lines 62- col 14, line 4); and (2.) that the communication session is with a sponsor server (col 13, lines 60-65).

20 Applicant respectfully refers to the argument provided above regarding the currently amended independent Claims 1, 11 and 20 and notes that Claim 6 is dependent from Claim 1, that Claim 6 is dependent from Claim 11, and that Claim 25 is dependent from Claim 20. Applicant respectfully submits that the Claims dependent from Claims 6, 15 and 25 are

allowable on the basis of the allowability of the independent Claims 1, 11 and 20 as currently amended.

In reference to Claims 7, 8, 16, 17, 27 and 28, Examiner states that Gerace, Angles, and Nason and Goldhaber disclose the method, medium, system of Claims 6, 15 and 25.

5 Examiner argues that Gerace further discloses that numerous aspects of presentation and format of the user interface can be controlled and optimized (col 6, lines 13-21; col 5, lines 19-26).

Examiner acknowledges that Gerace does not explicitly disclose that the value portal is installed overlaying the task bar on the graphical user interface, or that the value portal is installed adjacent to the task bar on the graphical user interface. Applicant respectfully notes that Gerace

10 does not teach of using an application program, e.g. a personal information manager, and positioning the value portal within a display generated by the personal information manager.

Examiner maintains that Nason discloses the utilization of a widely customized portal in terms of format presentation and the utilization of a task bar (Fig. 15; Fig. 3; Figs 16-21; col 4, lines 45-50; col 17, lines 5-13; col 17, lines 35-38; col 17, line 65-col 18, line 29). Examiner

15 concludes therefrom that it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Nason's task bar to Gerace's customizable interface. One would have been motivated to do this in order to provide further customization with an interface format that many users are familiar with and find convenient.

Applicant respectfully refers to the argument provide above regarding the currently
20 amended independent Claims 1, 11 and 20 and notes that Claims 7 and 8 are dependent from Claim 1, that Claims 16 and 17 are dependent from Claim 11, and that Claim 27 and 28 are dependent from Claim 20. Applicant respectfully submits that the Claims dependent from Claims 1, 11 and 20 are allowable on the basis of the allowability of the independent Claims 1,

11 and 20 as currently amended.

Referring to Claims 9, 18 and 29, Examiner states that Gerace, Angles, and Nason and Goldhaber disclose the method, medium, system of claim 6, 15, 25. Examiner maintains that Gerace further discloses that the client software launches an application program with the value portal included thereon (col 22, lines 5-25; col 36, lines 54-59).

Applicant respectfully refers to the argument provided above regarding the currently amended independent Claims 1, 11 and 20 and notes that Claim 9 is dependent from Claim 1, that Claim 18 is dependent from Claim 11, and that Claim 29 is dependent from Claim 20.

Applicant respectfully submits that the Claims dependent from Claims 1, 11 and 20 are allowable on the basis of the allowability of the independent Claims 1, 11 and 20 as currently amended.

Referring to Claims 10, 26 and 30, examiner states that Gerace, Angles, and Nason and Goldhaber disclose the method, system of claims 6 and 25. Examiner holds that Gerace further discloses (1.) that the client software, the sponsor server software, and the special message protocol contain functionality to enable a first user to exchange a message with a second user through a common sponsor server which both the first user and the second user periodically exchange messages (col 10, lines 25-39); and (2.) utilizing the special communications protocol (col 1, lines 44-48).

Applicant respectfully refers to the argument provided above regarding the currently amended independent Claims 1, 11 and 20 and notes that Claim 10 is dependent from Claim 1, and that Claims 26 and 30 are dependent from Claim 20. Applicant respectfully submits that the Claims dependent from Claims 1 and 20 are allowable on the basis of the allowability of the

independent Claims 1, 11 and 20 as currently amended.

Regarding Claim 22, Examiner states that Gerace, Angles, and Nason and Goldhaber disclose the system of claim 21 wherein the computer network is the Internet (col 3, lines 50-53).

Applicant respectfully refers to the argument provided above regarding the currently amended independent Claim 20 and notes that Claim 22 is dependent from Claim 20. Applicant respectfully submits that the Claims dependent from 20 are allowable on the basis of the allowability of the independent Claims 20 as currently amended.

Referring to Claim 23, Examiner states that Gerace, Angles, and Nason and Goldhaber disclose the system of claim 22, and specifically that Gerace further discloses that the at least one sponsor server comprises a plurality of sponsor servers which are each operated by at least one sponsor (Fig. 1; col 1, lines 45-49; col 3, lines 48-49).

Applicant respectfully refers to the argument provide above regarding the currently amended independent Claim 20 and notes that Claim 23 is dependent from Claim 20. Applicant respectfully submits that the Claims dependent from 20 are allowable on the basis of the allowability of the independent Claims 20 as currently amended.

Examiner's Response to Arguments of Applicant's Response of 4/06/2005

Applicant's arguments submitted in the Applicant's Response of April 4th, 2005 with respect to claims 1-30 are judged to be moot by the Examiner moot in view of the new ground(s) of rejection provided in the Office Action of May 5th, 2005.

Examiner notes that on page 11 of the Applicant's Amendment dated 4/6/05, Applicant states, "There is no teaching or suggestion in Gerace, Angles, or Nason, individually, or in combination, for client software which includes 'functionality for allowing a user to select which

sponsors' value portal skin to display, whereby the user chooses which sponsors to receive marketing messages from' as recited in amended claims 1, 11, 20." Examiner requests that Applicant see the section above for the rejection of the independent claims that begins, "Additionally, Gerace further discloses the user selecting..." of the Office Action of May 5th, 2005.

Applicant respectfully refers to the argument provided above regarding the currently amended independent Claims 1, 11 and 20. Applicant further responds that the Claims as currently amended describe and particular claim preferred embodiments of the Method of the Present Invention wherein a user is invited and enabled to explicitly chose and affect via a collaborative design process the presentation modalities of information generated and assigned for delivery to the user by entities, i.e., sponsors. This aspect of the Method of the Present Invention enables the user to both (1.) choose sponsors with whom the user shall engage in an extended relationship of sharing and selecting information; and (2.) instantiate a collaborative design process with both the sponsor and the author(s) of each combination of preset customization variables to substantively enhance the user experience as both implicitly and explicitly directed by the user. Applicant respectfully asserts that this collaborative design process of the value portal provided by means of the Method the Present Invention is neither anticipated nor made obvious in light of the prior art, and that the Claims as currently amended are allowable. Attention is respectfully drawn to the independent Claims 1, 10, and 20 as currently amended. As each of the remaining Claims 2-10, 12-19, and 21-30 are dependent from one of the independent Claims 1, 11 and 20, Applicant respectfully submits that Claims 1 through 30 are allowable as presently amended and submitted herein.

Examiner stipulates that although specific references made by Examiner to the prior art,

that the Examiner is actually referring to the prior art in its entirety and the combination of the prior art in its entirety.

Applicant responds that the prior art in its entirety fails to disclose or make obvious to one of ordinary skill in the art the provision of the inventive and novel collaborative process of user experience design as disclosed in the Patent Application. Applicant therefore respectfully submits that Claims 1 through 30 are allowable as presently amended and submitted herein.

If any matters can be resolved by telephone, Applicant requests that the Patent and Trademark Office call the Applicant at the telephone number listed below.

Respectfully submitted,

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